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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 RENO-TAHOE SPECIALTY, INC., a
Nevada corporation,

13 Plaintiff,

14 v.

15 MUNGCHI, INC., a California corporation,

16 Defendant.
17

CASE NO.: 2:12-cv-01051-GMN-VCF

**ORDER GRANTING TEMPORARY
RESTRAINING ORDER AND
ORDER SETTING HEARING ON
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

18 UPON CONSIDERATION of the motion filed by Plaintiff Reno-Tahoe Specialty,
19 Inc. ("RTSI") for a temporary restraining order and injunction to prevent Defendant
20 Mungchi, Inc. ("Mungchi") from reproducing, distributing, creating derivative works of,
21 and publicly displaying Plaintiff's copyrighted pictorial works, the supporting
22 memorandum of points and authorities, the supporting declaration and evidence, the
23 record in this case, and for other good cause shown;

24 **THE COURT HEREBY FINDS THAT:**

- 25 1. Plaintiff owns a valid copyright registration for its pictorial works identified
26 and defined in the Complaint as the 695 View;
27 2. Mungchi had access to Plaintiff's copyrighted 695 View;
28 3. Mungchi's Infringing Works are substantially similar to RTSI's

1 copyrighted 695 View;

2 4. Plaintiff is likely to succeed on the merits of its claims for copyright
3 infringement;

4 5. Plaintiff will suffer irreparable injury if the Court does not require Mungchi
5 to cease all infringing conduct, including enjoining any further sales of the Infringing
6 Works and having the Infringing Works immediately removed from store shelves;

7 6. The harm to RTSI substantially outweighs the harm to Mungchi. Mungchi
8 has no legitimate interest in using the 695 View in its Infringing Works. The balance of
9 hardships tips in favor of RTSI because the potential harm to Mungchi is only monetary,
10 while the harm to RTSI is irreparable, including the loss of its goodwill and reputation
11 and the ability to exercise its copyrights;

12 7. It is in the public interest to enjoin Mungchi's use of the 695 View in its
13 Infringing Works.

14 **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a hearing on
15 Plaintiff's Motion for Preliminary Injunction, Defendant is enjoined from:

16 A. Reproducing RTSI's copyrighted pictorial works and/or the Infringing
17 Works as defined in RTSI's Complaint in this action;

18 B. Preparing derivative works based upon RTSI's copyrighted works and/or
19 the Infringing Works;

20 C. Distributing to the public, by sale or other transfer of ownership, or by
21 rental, lease or lending, any of the copyrighted works of RTSI and/or the Infringing
22 Works;

23 D. Publicly displaying RTSI's copyrighted works and/or the Infringing Works;

24 E. Manufacturing new items based upon RTSI's copyrighted works, the
25 Infringing Works, or any derivative works of either RTSI's copyrighted works and/or the
26 Infringing Works;

27 F. Selling any items that infringe upon RTSI's copyrighted works and/or that
28 contain the Infringing Works; and/or

1 G. Authorizing any third parties to do any of the above acts.

2 **IT IS FURTHER ORDERED THAT** Plaintiff immediately serve the complaint,
3 motion for temporary restraining order, and a copy of this order on Mungchi, if it has not
4 already been done.

5 **IT IS FURTHER ORDERED THAT** security pursuant to Federal Rule of Civil
6 Procedure 65 shall be posted immediately after entry of this Order in the amount of TWO
7 THOUSAND DOLLARS (\$2,000.00) AND NO CENTS.

8 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

9 UPON CONSIDERATION of the motion filed by Plaintiff for a preliminary
10 injunction enjoining Defendant from reproducing, distributing, creating derivative works
11 of, and publicly displaying Plaintiff's copyrighted 695 View, the supporting points and
12 memorandum of authorities, the supporting declarations and evidence, record in this case,
13 and for good cause shown;


14 **THE COURT HEREBY** sets the hearing for Plaintiff's motion for a preliminary
15 injunction on **Thursday, July 5, 2012, at 1:30 p.m. to be held in Courtroom 7D** at the
16 Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, So., Las Vegas,
17 Nevada.

18 Further, the Court sets forth the following briefing schedule relating to Plaintiff's
19 motion:

20 1. Defendant shall file and serve opposition papers, if any, no later than
21 **Thursday, June 28, 2012, at 12:00 noon**; and

22 2. Plaintiff shall file and serve its reply brief no later than **Tuesday, July 2,**
23 **2012, at 12:00 noon**.

24 DATED this 22nd day of June, 2012.

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28 Gloria M. Navarro
United States District Judge